

LEVI & KORSINSKY, LLP

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Attorneys for Lead Plaintiff and the Class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE TESLA, INC. SECURITIES
LITIGATION

Case No. 3:18-cv-04865-EMC

**DECLARATION OF
NICHOLAS I. PORRITT**

Date: February 18, 2021

Time: 1:30 p.m.

Location: Courtroom 5, 17th Floor

Judge: Hon. Edward Chen

I, Nicholas I. Porritt, declare pursuant to 28 U.S.C. § 1746:

1. I am a partner of the law firm of Levi & Korsinsky, LLP, attorneys for Lead Plaintiff Glen Littleton ("Plaintiff") and Lead Counsel in this Action. I am admitted to practice before this Court *pro hac vice* and have personal knowledge of the various matters set forth herein based on my day-to-day participation in the prosecution and settlement of this Action. I submit this Declaration in support of Plaintiff's Motion for Class Certification.

2. Levi & Korsinsky has actively litigated this case since its inception. Following its commencement, our firm quickly began investigating and researching the proposed Class's potential claims. This involved, among other things, a thorough review of the barrage of media, news, and analyst reports concerning Elon Musk's tweets.

3. After determining that the claims against Mr. Musk and Tesla, Inc., we agreed to represent Plaintiff in the action and pursue his appointment as lead plaintiff. The lead plaintiff appointment process in this action was contentious, involving briefing on motions for

1 reconsideration and petitions for mandamus review by the U.S. Court of Appeals for the Ninth
2 Circuit.

3 4. While the lead plaintiff proceedings were ongoing, we exacted steps to preserve
4 discovery that we believed were at risk of being lost or intentionally destroyed. We successfully
5 moved for relief from the discovery stay under the Securities Exchange Act of 1934, as modified
6 by the Private Securities Litigation Reform Act of 1995, and served preservation subpoenas on
7 several key sources of discovery. We also attempted unsuccessfully to obtain leave to serve a
8 subpoena on the U.S. Securities and Exchange Commission in connection with materials it
9 received during the course of its investigations against Musk and Tesla.

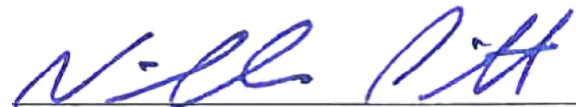
10 5. The lead plaintiff proceedings ultimately concluded in October 2019 and the case
11 resumed in its normal course thereafter. This included briefing and arguing Defendants' motion
12 to dismiss, which the Court denied on April 15, 2020. Discovery commenced shortly thereafter
13 with the parties' Rule 26(f) conference, exchange of initial disclosures, and propounding of
14 significant written discovery against each of the Defendants. The parties appeared before the
15 Court for a case management conference on May 29, 2020, at which time the Court set a case
16 management schedule.

17 6. The parties most recently appeared before the Court on September 3, 2020. At that
18 time, we informed the Court that the parties were on schedule to file Plaintiff's motion for class
19 certification and otherwise complete fact discovery by the June 15, 2021 deadline.

20 7. If appointed as Class Counsel, our firm will continue to zealously pursue the
21 claims against Defendants on behalf of the Class in the manner that we have done to date.

22 8. Attached hereto as Exhibit A is a true and accurate copy of Levi & Korsinsky's
23 firm resume.

24
25 Dated: September 22, 2020



26 Nicholas I. Porritt